BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

Application for Certification for the Mirant Willow Pass Generating Station Project	Docket No. 08-AFC-6

DOCKET
08-AFC-6
DATE July 22 2009
RECD. July 22 2009

FOURTH STATUS REPORT OF MIRANT WILLOW PASS, LLC

July 22, 2009

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FOURTH STATUS REPORT OF MIRANT WILLOW PASS, LLC

In accordance with the Committee Scheduling Order dated December 31, 2008, Mirant Willow Pass, LLC ("Mirant Willow Pass") submits its fourth status report in this proceeding. On June 30, 2008, Mirant Willow Pass submitted an Application for Certification ("AFC") for the Willow Pass Generating Station ("WPGS"), a 550 megawatt, natural gas-fired electricity generating facility to be located at a site within the existing site of the Pittsburg Power Plant in Pittsburg, California. The AFC was determined to be data adequate on October 8, 2008.

Staff issued a second set of Data Requests (58 through 74) on April 28, 2009, addressing Biological Resources, Socioeconomics, Soil and Water Resources, Transmission System Engineering, and Waste Management. Mirant Willow Pass has submitted responses to all Data Requests in this second set, except for Waste Management Data Requests 73 through 75, which ask for a workplan, soil vapor sampling, a revised Human Health Risk Assessment ("HHRA"), and an Ecological Risk Screening Assessment ("ERSA") for the project site. On May 18, 2009, Mirant Willow Pass sent a notice pursuant to Section 1716(f) of the Commission's regulations to inform staff and the Committee that additional time would be needed to complete the requested sampling and to prepare the revised HHRA and the ERSA.

Since that time, Mirant Willow Pass and staff have had further discussions to clarify the information that staff requires in the area of Waste Management. Mirant Willow Pass is in the process of preparing responses to staff's questions regarding the role of the previous owner of the project site, which retained responsibility for certain environmental remediation at the site, and regarding the previous owner's plans for conducting certain sampling at the site. Mirant Willow Pass will submit additional information on this topic to staff as soon as possible.

Staff has stated that the Preliminary Staff Assessment will be issued approximately 30 days after the Bay Area Air Quality Management District issues its Preliminary

Determination of Compliance ("PDOC") for the project. Mirant Willow Pass understands that the PDOC remains in progress.

July 22, 2009

Respectfully submitted,

Lisa A. Cottle
Winston & Strawn LLP

Attorneys for Mirant Willow Pass, LLC

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DECLARATION OF SERVICE

I, Lisa A. Cottle, declare that on July 22, 2009, I served and filed copies of the attached ***Fourth Status Report of Mirant Willow Pass, LLC (Docket No. 08-AFC-6)***. The original document filed with the Docket Unit is accompanied by a copy of the most recent Proof of Service list, located at the web page for this project at **http://www.energy.ca.gov/sitingcases/willowpass/index.html**. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

- For service to all other parties: Sent electronically to all email addresses on the Proof of Service list; and by depositing in the United States mail at San Francisco, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked as "email preferred."

  AND

- For filing with the Energy Commission: Sent an original paper copy and one electronic copy, mailed and emailed respectively, to the address below:

  CALIFORNIA ENERGY COMMISSION
  Attn: Docket No. 08-AFC-6
  1516 Ninth Street, MS-4
  Sacramento, CA 95814-5512
  docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.

Lisa A. Cottle

SF:250781.2

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
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APPLICATION FOR CERTIFICATION
FOR THE WILLOW PASS
GENERATING STATION

Docket No. 08-AFC-6

PROOF OF SERVICE
(Revised 4/14/2009)

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